

E-FILED 2/27/08

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

JAMES ALAN BUSH,

Plaintiff,

v.

UNITED STATES ATTORNEY GENERAL, et al.,

Defendants.

NO. C 08-00539 JF (RS)

**ORDER DENYING “MOTION
FOR EX PARTE ORDER TO
COMPEL RECOVERY AND
SEIZURE OF STOLEN
EVIDENCE”**

Plaintiff seeks an order directing the San Jose Police Department to “recover and seize” certain “evidence” plaintiff contends was stolen from his residence, consisting of a cell phone and a “DVD case, with up to 15 DVDs.” Plaintiff asserts that the items are in the possession of one “Lamont Doe aka ‘Don’ aka ‘Donnie’” at a particular address in San Jose. Because plaintiff’s motion is somewhat akin to a motion seeking to compel discovery, the presiding judge referred it to the undersigned for disposition.

The motion is DENIED. Even putting aside plaintiff’s failure to make a factual showing

1 through admissible evidence that the items were stolen from him or that they are now in the
2 possession of Lamont Doe, the Court has no jurisdiction under the circumstances presented to order
3 the San Jose Police to “recover and seize” such items.

4
5 IT IS SO ORDERED.

6 Dated: February 27, 2008


RICHARD SEEBORG
United States Magistrate Judge

1 **THIS IS TO CERTIFY THAT A COPY OF THIS ORDER WAS MAILED TO:**

2 James Alan Bush
3 1745 De Marietta Avenue #3
4 San Jose, CA 95126

5 **Dated: 2/27/08**

Richard W. Wieking, Clerk

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7 **By: Chambers**

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